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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

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| Application Number | 10/650,291 |
| Filing Date | August 28, 2003 |
| First Named Inventor | James H. Keithly |
| Art Unit | |
| Examiner Name | |
| Attorney Docket Number | 0876-086.01 |

Sheet 1 of 9

U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|-----------------------|--------------------------|--|--------------------------------|--|---|
| | | Number-Kind Code ² (if known) | | | |
| 100 | | US- 3,227,562 | 01-04-1966 | Houghtaling | |
| | | US- 3,917,867 | 11-04-1975 | Atkins et al. | |
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| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T ⁶ |
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| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | | |
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Examiner
Signature

Helen Pratt

Date
Considered

8-19-04

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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| | | Filing Date | August 28, 2003 |
| | | First Named Inventor | James H. Keithly |
| | | Art Unit | |
| | | Examiner Name | |
| Sheet 3 | of 9 | Attorney Docket Number | 0876-0086.01 |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|-----------------------|---|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
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| ✓ | | CT, pp. 41, 42 and 64. (1980). | |

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| Examiner Signature | <i>Helen Pratt</i> | Date Considered | 8-19-04 |
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| | | First Named Inventor | James H. Keithly |
| | | Art Unit | |
| | | Examiner Name | |
| Sheet 4 | of 9 | Attorney Docket Number | 0876-0086.01 |

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| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
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| | I | GMITTER, "Characteristics and Potential of New Citrus Cultivars", Citrus Processing Short Course | |
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| WB | | No. N-01137 (p. 165-172), USA 1995 | |
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| Examiner Signature | <i>John Pratt</i> | Date Considered | 8-19-04 |
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| | | First Named Inventor | James H. Keithly | | |
| | | Art Unit | | | |
| | | Examiner Name | | | |
| Sheet | 5 | of | 9 | Attorney Docket Number | 0876-0086.01 |

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| | | Citrus sinensis (L.) Osbeck, (p. 1-12) Sao Paulo, Brazil (circa 1983) (with English translation). | |
| | N | Request for Ex Parte Reexamination and Thrid Party Requester's Statement Pursuant to 37 C.F.R. | |
| | | §§ 1.510(b)(1) and b (d). | |

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| Examiner Signature | <i>William Pratt</i> | Date Considered | 8-19-09 |
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| NON PATENT LITERATURE DOCUMENTS | | | |
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| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
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| | P | DONADIO, ET AL., "Evaluation of Sweet Orange Preimmunized Clones", Proc. Interamer. Soc. Trop. Hort. 39:103-105. 1995. | |
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| | S | PCT International Preliminary Examination Report. | |
| ✓ | T | Petitioner's Reply to Patent Owner's Statement. | |

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| Examiner Signature | <i>G. Helen Pratt</i> | Date Considered | 8-19-04 |
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| JB | U | EP Search Report 00 932 189.4. | |
| | V | Office Action in Ex Parte Reexamination. | |
| | W | Declaration of Kevin Gaffney. | |
| | X | Declaration of John Attaway, Sr. | |
| | Y | Patent Owner's Statement | |
| | Z | Declaration of Norman Todd | |
| | AA | Declaration of James H. Keithly | |
| | BB | Declaration of Juliana Parente | |
| | CC | Information Disclosure Statement of Applicant. | |
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| Examiner Signature | <i>Julian Parente</i> | Date Considered | 8-19-04 |
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| JH | DD | PIO, ET AL., "Study of Some Characteristics of Fruit and Seeds of Various Kinds of Sweet Orange, | |
| JH | | Citrus sinensis", (L) Osbeck, Sao Paulo, Brazil (circa 1983). | |
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| WJ | EE | PCT International Search Report, PCT/US01/25028, May 6, 2002. | |
| | FF | GALLASCH, "Effect of time of harvest on alternate cropping yields and fruit quality of Valencia | |
| | | orange trees, XP-001077814, pgs 461-464, Australian Journal of Experimental Agricultural and Animal | |
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